

**FROM: <http://www.govtrack.us/congress/billtext.xpd?bill=s111-2724>**

IN THE SENATE OF THE UNITED STATES

**November 3, 2009**

Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

**June 21, 2010**

Reported by Mrs. BOXER, with an amendment

**[Strike out all after the enacting clause and insert the part printed in italic]**

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the 'Lake Tahoe Restoration Act of 2010'.*

**SEC. 2. FINDINGS AND PURPOSES.**

*The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:*

**'SEC. 2. FINDINGS AND PURPOSES.**

*'(a) Findings- Congress finds that--*

*'(1) Lake Tahoe--*

*'(A) is 1 of the largest, deepest, and clearest lakes in the world;*

*'(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and*

*'(C) is recognized nationally and worldwide as a natural resource of special significance;*

*'(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which--*

*'(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and*

*'(B) contributes significantly to the economies of California, Nevada, and the United States;*

*'(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;*

*'(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;*

*'(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;*

*'(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;*

*'(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;*

*'(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;*

*'(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;*

*'(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;*

'(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in--

'(A) high tree density and mortality;

'(B) the loss of biological diversity; and

'(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

'(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

'(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

'(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including--

'(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

'(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

'(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

'(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including--

'(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with--

'(i) the enactment in 1969 of Public Law 91-148 (83 Stat. 360); and

'(ii) the enactment in 1980 of Public Law 96-551 (94 Stat. 3233);

'(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

'(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

'(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

'(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

'(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

'(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including--

'(A) stream and wetland restoration;

'(B) urban stormwater conveyance and treatment; and

'(C) programmatic technical assistance;

'(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by--

- '(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and
- '(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;
- '(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons--
  - '(A) renewed their commitment to Lake Tahoe; and
  - '(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;
- '(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than \$1,430,000,000 to the Lake Tahoe Basin, including--
  - '(A) \$424,000,000 from the Federal Government;
  - '(B) \$612,000,000 from the State of California;
  - '(C) \$87,000,000 from the State of Nevada;
  - '(D) \$59,000,000 from units of local government; and
  - '(E) \$249,000,000 from private interests;
- '(22) significant additional investment from Federal, State, local, and private sources is necessary--
  - '(A) to restore and sustain the environmental health of the Lake Tahoe Basin;
  - '(B) to adapt to the impacts of changing climatic conditions; and
  - '(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and
- '(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least \$10,000,000 and up to \$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.
- '(b) Purposes- The purposes of this Act are--
  - '(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);
  - '(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of--
    - '(A) the environmental threshold carrying capacities for the region; and
    - '(B) other applicable environmental standards and objectives;
  - '(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and
  - '(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together--
    - '(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and
    - '(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.'

### **SEC. 3. DEFINITIONS.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

### **'SEC. 3. DEFINITIONS.**

'In this Act:

- '(1) ADMINISTRATOR- The term 'Administrator' means the Administrator of the Environmental Protection Agency.
- '(2) ASSISTANT SECRETARY- The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.
- '(3) CHAIR- The term 'Chair' means the Chair of the Federal Partnership.
- '(4) COMPACT- The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96-551 (94 Stat. 3233).
- '(5) DIRECTOR- The term 'Director' means the Director of the United States Fish and Wildlife Service.
- '(6) ENVIRONMENTAL IMPROVEMENT PROGRAM- The term 'Environmental Improvement Program' means--
- '(A) the Environmental Improvement Program adopted by the Planning Agency; and
  - '(B) any amendments to the Program.
- '(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY- The term 'environmental threshold carrying capacity' has the meaning given the term in article II of the compact.
- '(8) FEDERAL PARTNERSHIP- The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).
- '(9) FOREST MANAGEMENT ACTIVITY- The term 'forest management activity' includes--
- '(A) prescribed burning for ecosystem health and hazardous fuels reduction;
  - '(B) mechanical and minimum tool treatment;
  - '(C) road decommissioning or reconstruction;
  - '(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;
  - '(E) nonnative invasive species management; and
  - '(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.
- '(10) NATIONAL WILDLAND FIRE CODE- The term 'national wildland fire code' means--
- '(A) the most recent publication of the National Fire Protection Association code numbered 1141, 1142, or 1144;
  - '(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or
  - '(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).
- '(11) PLANNING AGENCY- The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).
- '(12) PRIORITY LIST- The term 'Priority List' means the environmental restoration priority list developed under section 8.
- '(13) SECRETARY- The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.
- '(14) TOTAL MAXIMUM DAILY LOAD- The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).
- '(15) STREAM ENVIRONMENT ZONE- The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.
- '(16) WATERCRAFT- The term 'watercraft' means all motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.'

#### **SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.**

Section 4 of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2353) is amended--

- (1) in subsection (b)(3), by striking 'basin' and inserting 'Basin'; and  
(2) by adding at the end the following:

*'(c) Transit-*

*'(1) IN GENERAL- The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given--*

*'(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;*

*'(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and*

*'(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.*

*'(2) NATIONAL FOREST TRANSIT PROGRAM- Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.*

*'(d) Forest Management Activities-*

*'(1) COORDINATION-*

*'(A) IN GENERAL- In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.*

*'(B) GOALS- The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.*

*'(2) MULTIPLE BENEFITS-*

*'(A) IN GENERAL- In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that--*

*'(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including--*

*'(I) reducing forest fuels;*

*'(II) maintaining or restoring biological diversity;*

*'(III) improving wetland and water quality, including in Stream Environment Zones; and*

*'(IV) increasing resilience to changing climatic conditions; and*

*'(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.*

*'(B) EXCEPTION- Notwithstanding clause (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.*

*'(3) GROUND DISTURBANCE- Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall--*

*'(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and*

*'(B) provide for monitoring to ascertain the attainment of the post-project conditions.*

*'(e) Withdrawal of Federal Land-*

'(1) *IN GENERAL*- Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from--

'(A) all forms of entry, appropriation, or disposal under the public land laws;

'(B) location, entry, and patent under the mining laws; and

'(C) disposition under all laws relating to mineral and geothermal leasing.

'(2) *DETERMINATION*-

'(A) *IN GENERAL*- The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

'(B) *REQUIREMENTS*- The determination of the Secretary under subparagraph (A)--

'(i) shall be effective beginning on the date on which the determination is issued;

'(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

'(iii) shall not be subject to administrative renewal.

'(f) *Environmental Threshold Carrying Capacity*- The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

'(g) *Cooperative Authorities*-

'(1) *IN GENERAL*- During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2010, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

'(2) *REPORT ON LAND STATUS*-

'(A) *IN GENERAL*- Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including--

'(i) a description of future plans and recent actions for land consolidation and adjustment; and

'(ii) the identification of any obstacles to desired conveyances or interchanges.

'(B) *INCLUSIONS*- The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

'(C) *EFFECT*- Nothing in this paragraph delays the conveyance of parcels under--

'(i) the authority of this Act; or

'(ii) any other authority available to the Secretary.

'(3) *SUPPLEMENTAL AUTHORITY*- The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.'

## **SEC. 5. CONSULTATION.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

## **'SEC. 5. CONSULTATION.**

'In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.'

## **SEC. 6. AUTHORIZED PROJECTS.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

**'SEC. 6. AUTHORIZED PROJECTS.**

'(a) In General- The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any project or program described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable. The Administrator shall use no more than three percent of the funds provided for administering the projects or programs described in subsection (c)(1) and (2).

'(b) Monitoring and Assessment- All projects authorized under subsection (c) and section 8 shall--

'(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

'(2) use the integrated multiagency performance measures established under that section.

'(c) Description of Activities-

'(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION- Of the amounts made available under section 18(a), \$40,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

'(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

'(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

'(C) Kings Beach Watershed Improvement Project in Placer County, California.

'(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

'(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

'(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

'(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

'(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

'(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

'(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

'(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION- Of the amounts made available under section 18(a), \$32,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

'(A) Upper Truckee River and Marsh Restoration Project.

'(B) Upper Truckee River Mosher, Reaches 1 & 2.

'(C) Upper Truckee River Sunset Stables.

'(D) Lower Blackwood Creek Restoration Project.

'(E) Ward Creek.

'(F) Third Creek/Incline Creek Watershed Restoration.

'(G) Rosewood Creek Restoration Project.

'(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT-

'(A) IN GENERAL- Of the amounts made available under section 18(a), \$136,000,000 shall be made available for assistance by the Secretary for the following projects:



'(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

'(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

'(iii) Biomass projects, including feasibility assessments and transportation of materials.

'(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

'(v) Washoe Tribe projects on tribal lands within the Lake Tahoe Basin.

'(B) MULTIPLE BENEFIT FUELS PROJECTS- Consistent with the requirements of section 4(d)(2), not more than \$10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

'(C) MINIMUM ALLOCATION- Of the amounts made available to carry out subparagraph (A), at least \$80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

'(D) PRIORITY- Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

'(E) COST-SHARING REQUIREMENTS- As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

'(4) INVASIVE SPECIES MANAGEMENT- Of the amounts to be made available under section 18(a), \$20,500,000 shall be made available to the Director for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

'(5) SPECIAL STATUS SPECIES MANAGEMENT- Of the amounts to be made available under section 18(a), \$20,000,000 shall be made available to the Director for the Lahontan Cutthroat Trout Recovery Program.

'(6) LAKE TAHOE BASIN PROGRAM- Of the amounts to be made available under section 18(a), \$30,000,000 shall be used to develop and implement the Lake Tahoe Basin Program developed under section 11.

'(d) Use of Remaining Funds- Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.'

## **SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended--

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

## **'SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

'(a) Funding- Subject to section 6(d), of the amounts to be made available under section 18(a), at least \$136,000,000 shall be made available for projects identified on the Priority List.

'(b) Deadline- Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

'(c) Criteria-



'(1) *IN GENERAL*- The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

'(A) *The 5-year threshold carrying capacity evaluation.*

'(B) *The ability to measure progress or success of the project.*

'(C) *The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for--*

'(i) *air quality;*

'(ii) *fisheries;*

'(iii) *noise;*

'(iv) *recreation;*

'(v) *scenic resources;*

'(vi) *soil conservation;*

'(vii) *forest health;*

'(viii) *water quality; and*

'(ix) *wildlife.*

'(D) *The ability of a project to provide multiple benefits.*

'(E) *The ability of a project to leverage non-Federal contributions.*

'(F) *Stakeholder support for the project.*

'(G) *The justification of Federal interest.*

'(H) *Agency priority.*

'(I) *Agency capacity.*

'(J) *Cost-effectiveness.*

'(K) *Federal funding history.*

'(2) *SECONDARY FACTORS*- In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

'(3) *EROSION CONTROL PROJECTS*- For purposes of the Priority List and section 6(c)(1), erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program. The Administrator shall coordinate with the Secretary on such projects.

'(d) *Revisions-*

'(1) *IN GENERAL*- The Priority List submitted under subsection (b) shall be revised--

'(A) *every 4 years; or*

'(B) *on a finding of compelling need under paragraph (2).*

'(2) *FINDING OF COMPELLING NEED-*

'(A) *IN GENERAL*- If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Natural Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

'(B) *INCLUSIONS*- A finding of compelling need includes--

'(i) *major scientific findings;*

'(ii) *results from the threshold evaluation of the Planning Agency;*

'(iii) *emerging environmental threats; and*

'(iv) *rare opportunities for land acquisition.*

## **'SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.**

'(a) *In General*- Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2010, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

'(b) *Criteria*- The strategies referred to in subsection (a) shall provide that--

'(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;  
'(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft--

'(A) has been in waters infested by quagga or zebra mussels;  
'(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; or  
'(C) cannot be reliably decontaminated in accordance with paragraph (3);

'(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

'(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

'(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

'(c) Certification- The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

'(d) Applicability- The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

'(e) Fees- The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

'(f) Civil Penalties-

'(1) IN GENERAL- Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.

'(2) OTHER AUTHORITIES- Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

'(g) Limitation- The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

'(h) Funding- Of the amounts made available under section 6(c)(4), not more than \$500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments--

'(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

'(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

'(i) Supplemental Authority- The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

'(j) Savings Clause- Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

## **'SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.**

'(a) *In General*- The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

'(b) *Local Cooperation Agreements*-

'(1) *IN GENERAL*- Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

'(2) *COMPONENTS*- The agreement entered into under paragraph (1) shall--

'(A) describe the nature of the technical assistance;

'(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

'(C) include cost-sharing provisions in accordance with paragraph (3).

'(3) *FEDERAL SHARE*-

'(A) *IN GENERAL*- The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

'(B) *FORM*- The Federal share may be in the form of reimbursements of project costs.

'(C) *CREDIT*- The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

## **'SEC. 11. LAKE TAHOE BASIN PROGRAM.**

'The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement the Lake Tahoe Basin Program that--

'(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan--

'(A) to evaluate the effectiveness of the Environmental Improvement Program;

'(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

'(C) to assess the impacts and risks of changing climatic conditions and invasive species;

'(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

'(3) coordinates the development of the annual report described in section 13;

'(4) produces and synthesizes scientific information necessary for--

'(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

'(B) the evaluation of standards and benchmarks;

'(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

'(6) develops new tools and information to support objective assessments of land use and resource conditions;

'(7) provides scientific and technical support to the Federal Government and State and local governments in--

'(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

'(B) the development and implementation of an integrated stormwater monitoring and assessment program;

'(8) establishes and maintains independent peer review processes--

'(A) to evaluate the Environmental Improvement Program; and

'(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

'(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

**'SEC. 12. PUBLIC OUTREACH AND EDUCATION.**

'(a) In General- The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging--

'(1) owners of land and residences in the Lake Tahoe Basin--

'(A) to implement defensible space; and

'(B) to conduct best management practices for water quality; and

'(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

'(b) Required Coordination- Public outreach and education programs for aquatic invasive species under this section shall--

'(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

'(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

**'SEC. 13. REPORTING REQUIREMENTS.**

'Not later than February 15 of each year, the Administrator, in cooperation with the Chair, the Secretary, the Director, the Planning Agency, and the States of California and Nevada, consistent with section 6(c)(6) and section 11, shall submit to Congress a report that describes--

'(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year--

'(A) the project scope;

'(B) the budget for the project; and

'(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

'(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

'(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

'(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

**'SEC. 14. ANNUAL BUDGET PLAN.**

'As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including--

'(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

'(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

'(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

**'SEC. 15. GRANT FOR WATERSHED STRATEGY.**

'(a) In General- Of the amounts to be made available under section 18(a), the Administrator shall use not more than \$500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or

nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

'(b) Comment- In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

'(c) Components- The watershed strategy developed under subsection (a) shall include--

'(1) a classification system, inventory, and assessment of stream environment zones;

'(2) comprehensive watershed characterization and restoration priorities consistent with--

'(A) the Lake Tahoe total maximum daily load; and

'(B) the environmental threshold carrying capacities of Lake Tahoe;

'(3) a monitoring and assessment program consistent with section 11; and

'(4) an adaptive management system--

'(A) to measure and evaluate progress; and

'(B) to adjust the program.

'(d) Deadline- The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.'

#### **SEC. 8. RELATIONSHIP TO OTHER LAWS.**

Section 17 of The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2358) (as redesignated by section 7(2)) is amended by inserting ', Director, or Administrator' after 'Secretary'.

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 7(2)) and inserting the following:

#### **'SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

'(a) In General- There is authorized to be appropriated to carry out this Act \$415,000,000 for a period of 8 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2010.

'(b) Effect on Other Funds- Amounts authorized under this section and any amendments made by this Act--

'(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

'(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

'(c) Cost-Sharing Requirement- Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

'(d) Relocation Costs- Notwithstanding subsection (c), the Secretary shall provide to local utility districts 2/3 the costs of relocating facilities in connection with--

'(1) environmental restoration projects under sections 6 and 8; and

'(2) erosion control projects under section 2 of Public Law 96-586 (94 Stat. 3381).

'(e) Signage- To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that--

'(1) provides information to the public on--

'(A) the amount of Federal funds being provided to the project; and

'(B) this Act; and

'(2) displays the visual identity mark of the Environmental Improvement Program.'

#### **SEC. 10. CONFORMING AMENDMENTS.**

(a) Administration of Acquired Land- Section 3(b) of Public Law 96-586 (94 Stat. 3384) is amended--

(1) by striking '(b) Lands' and inserting the following:

'(b) Administration of Acquired Land-

'(1) IN GENERAL- Land'; and

(2) by adding at the end the following:

'(2) INTERCHANGE-

*'(A) IN GENERAL- Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the 'Secretary') may interchange (as defined in the first section of Public Law 97-465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.*

*'(B) ELIGIBLE LAND- The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.*

*'(C) REQUIREMENTS- In any interchange under this paragraph, the Secretary shall--*

*'(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure--*

*'(I) protection of the public interest, including protection of the scenic, wildlife, and recreational values of the National Forest System; and*

*'(II) the provision for appropriate access to, and use of, land within the National Forest System;*

*'(ii) receive land within the Lake Tahoe Basin of approximately equal value (as defined in accordance with section 6(2) of Public Law 97-465 (96 Stat. 2535)); and*

*'(iii) for the purposes of any environmental assessment--*

*'(I) assume the maintenance of the environmental status quo; and*

*'(II) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.*

*'(D) USE OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT- Any unit of State government that receives National Forest System land through an exchange or transfer under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.'*

*(b) Interagency Agreement Funding- Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2942) is amended by striking '\$25,000,000' and inserting '\$75,000,000'.*

Calendar No. 436

111th CONGRESS  
2d Session  
S. 2724  
[Report No. 111-211]

A BILL

To provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin.